

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

JULY 18, 2011

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

OPEN FORUM

Carol Nasuti of 5 Lincoln Drive had several comments about the budget and the process for its approval. She believed the meeting was much too short and there were several issues that needed to be discussed that weren't given the time. The proposed budget did not match prior handouts. Mrs. Nasuti questioned the job sharing of the Administrator's assistant and the lack of funding for unemployment insurance, vacation/sick payout and the grant writer position. She also felt the extension of the fire department contract should be reconsidered.

REGULAR MEETING

The meeting was called to order at 7:02 P.M. and began with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Charest, Mr. McGee, Mr. Zwolenski and Mr. Yazbak. Town Administrator Hamilton and Town Solicitor Hamilton were also in attendance.

PRESENTATION OF CITATIONS

Citations were presented to five young ladies who earned Gold Awards, the highest award in girl scouting.

PUBLIC HEARING RE: REQUEST FOR EXCEPTIONS TO NOISE ORDINANCE AT DOWLING VILLAGE DEVELOPMENT

Mr. Glen Skurka, representing the petitioner Site Resources LLC, noted his company is requesting exceptions from the noise ordinance, specifically to begin working at 6:30 A.M. rather than 7:30 A.M. on Mondays through Saturdays for the duration of July 1 through December 15, 2011.

When asked for her recommendation, Ms. Hamilton stated she had no objection to extending the hours if it will facilitate the process.

Mr. Skurka explained that if granted this exception, work would begin at 6:30 A.M. and end at 4:30 P.M. Operating on Saturdays would only be necessary should there be a weather delay during the normal work week.

Mr. Zwolenski asked Ms. Hamilton who would be monitoring these hours and was told that it would be the police department.

Abutters to the project, Ruth Pacheco, Cheryl Leaver and Roxanne Arruda, all complained about the current noise at the development noting that it has started much earlier than allowed and at times continues for twenty-four hours during the day, including Saturdays, Sundays and holidays.

Mrs. Leaver has contacted the developer and the police department

on several occasions. She was frustrated that there is no one on site that tells the workers when they are allowed to begin work.

Ms. Arruda felt there should be a hardship, and not a monetary one, for an exception to be granted. Fines should be imposed.

Mr. Skurka clarified that Site Resources is not working at Wal-Mart; they are being contracted for the next phase, building pad-ready sites.

There was discussion about the necessity of having decibel readers to monitor the noise levels.

Mrs. Charest asked if Site Resources has a site manager that is available to be there to comply with the laws. Mr. Skurka responded
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that there is a person there from start time to finish time and he will be ordered to follow the regulations.

Mr. Yazbak commented that the ordinance allows for operations to continue to 6:30 p.m. Monday through Friday and perhaps the compromise would be to start at 7:30 p.m. and work until 6:00 p.m. or 6:30 p.m. rather than starting an hour earlier.

Mr. Skurka stated that typically their projects begin at 6:30 a.m. The

sub-contractors start at that time, they receive a lot of deliveries at that time, etc. If they cannot start until 7:30 a.m., a lot of workers are sitting around on the clock.

Mr. Yazbak asked Mr. Skurka if he would check to see if working until later in the day would be a solution.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to close the public hearing.

CONSENT AGENDA

Ms. Hamilton asked if the minutes of June 29th could be removed for discussion.

Mr. Yazbak agreed to do that and also wanted to remove Velocity Solutions, LLC invoice quote.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the following: 1.) Minutes of June 6 and 20, 2011; 2.) Payment of Monthly Bills as follows: General Fund - \$120,720.63, Sewer - \$1,259.00, Water - \$50,487.72, Wire Transfer School Department - \$1,440,445.00 and Wire Transfer Fire Department - \$195,151.00 for a total of \$1,808,063.34, Boyle & Fogarty Construction Co. Change Order No. 2 for Phase 1B Quantity of Environment One Grinder Pumps in the amount of \$19,020.78, Boyle & Fogarty Construction Co. Payment Request No. 20 for Phase 1B

Environment One Grinder Pump Systems in the amount of \$45,072.83 and Johnson Controls Project Invoice (Town Portion) in the amount of \$83, 087.00; 3.) Monthly Financial Statements for June; 4.) Conservation Commission Minutes of May 10, 2011 and Parks and Recreation Commission Minutes of April 25, 2011; and 5.) Animal Control Monthly Report for June 2011, NSF&RS Inc. Monthly Incident Report for June 2011 and a Resolution from the Town of Hopkinton.

COUNCIL MINUTES OF JUNE 29, 2011

Ms. Hamilton asked that the minutes on Page 219 regarding the Administrator's Office be amended to reflect that she had stated the union position in the Finance Office recommended to become part-time there and part-time in the Administrator's office could not be reduced or changed without union approval.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to approve the minutes of June 29 to include Ms. Hamilton's request.

Ms. Hamilton also asked that the minutes on Page 221 regarding the Capital Budget be amended to include a comment made by her that a funding source for each of the items included in the \$250,240 that was approved needed to be identified and approved at the next Council meeting.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted

unanimously on a roll call vote to reconsider approval of the June 29th minutes as amended.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to deny approval of the minutes of June 29th as amended.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on a roll call vote to approve the minutes of June 29th to include the two amendments requested by Ms. Hamilton.

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VELOCITY SOLUTIONS, LLC INVOICE QUOTE

MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote to move this to Old Business.

LICENSES AND TRANSFER OF BVL LIQUOR LICENSE – TUROYO INC.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on a roll call vote to approve the transfer of a BVL liquor license from Kismet, Inc. d/b/a Lower Level Bar and Grill to Turoyo Inc. d/b/a Lower Level Bar and Grill. It was also unanimously voted on a roll call vote to approve a victualing license, coin-operated mechanical devices license, entertainment license, coin-operated

juke box license and coin-operated pool tables license.

HOLIDAY SALES LICENSE – SAM’S FOOD

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve a holiday sales license to Imran Bhatti d/b/a Sam’s Food Mart.

HOLIDAY SALES LICENSE – LI’L GENERAL GREENVILLE ROAD

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on a roll call vote to approve a holiday sales license to Our First Store, Inc. d/b/a Li’l General #24, located at 104 Greenville Road.

MUNICIPAL ANNEX/POLICE STATION FIRE CODE APPEAL

Mr. McGee had nothing new to report.

Mr. Silvia stated that Public Works Director Raymond Pendergast wants to bring a proposed contract forward at the next Council meeting. The amount is \$1,750 and Mr. Silvia is recommending the contingency account as the funding source.

This was continued to the August 1st meeting.

RESOLUTION RE: INTERLOCAL EQUIPMENT SHARING AND PERSONNEL INTERCHANGE CONTRACT

Ms. Hamilton explained this is a sharing of equipment and personnel

among the towns of Glocester, Burrillville, Smithfield and North Smithfield. Each community has a list of equipment and equipment operators that is available for sharing.

MOTION by Mr. Zwolenski and seconded by Mrs. Charest to approve the resolution for interlocal equipment sharing and personnel interchange contract that has already been signed by the Town Council Presidents of Glocester and Burrillville.

Mr. Yazbak asked if Exhibits A and B, as referred to in the resolution, are available to the Council. He also would prefer to have the contract effective through November 30, 2012 so as not to bind a future Council to this.

Mr. Nadeau noted that a contract had been approved by the last Council that is governing the relationship between the four towns. The contract was to ensure that all participants were insured by the Interlocal Risk Management Trust and if they dropped out of the Trust, they would no longer be eligible to obtain any shared equipment under the contract.

Mr. Yazbak questioned the need for a resolution if there is a contract.

Ms. Hamilton answered that at the time the contract was signed, there were no equipment lists. Since then the towns have worked on the lists and with FEMA to get specific dollar amounts for the equipment.

Mr. Zwolenski withdrew his motion and Mrs. Charest withdrew her second.

MOTION by Mrs. Charest, seconded by Mr. Yazbak, and voted unanimously on an aye vote to table this matter until the August 1st meeting in order to obtain copies of Exhibits A and B and also to consider an expiration date of November 30, 2012.

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RESETTING OF FISCAL YEAR BUDGETS FOR 2011/2012

At the meeting held on June 29th, Mr. Yazbak had mentioned that the Council may have to revisit the numbers because, although the House of Representatives had adopted a budget, the Senate had not and it had not been signed by the Governor.

MOTION by Mr. Yazbak and seconded by Mrs. Charest to increase the General Fund budget by \$958,862, which will bring the town budget to \$34,744,693 and the funding source for that will be the funding formula adoption that was approved in the latest state budget.

Because Mr. Silvia noted there were some changes in numbers, Mr. Yazbak withdrew his motion and Mrs. Charest withdrew her second.

MOTION by Mr. Yazbak and seconded by Mr. Zwolenski and Mrs. Charest to approve the funding formula and state aid to education by an additional \$958,867, which brings the school department budget to \$21,916,180 and brings the total town budget to \$34,744,702.

On a roll call vote the MOTION passed unanimously.

MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on a roll call vote to increase the revenue side by \$958,867 which will be the increase in state aid to education as approved by the state budget.

PURCHASE OF HIGH FREQUENCY RADIOS FOR TOWN EMA

Mr. Yazbak has discussed this further with NSEMA Director Peter Branconnier. The purchase of eight radios at a cost of \$18,000 is being contemplated with the understanding that a federal grant will be requested which will cover, if approved, one-half of the cost. The order will not be placed until such time as the town receives notification that the federal grant is approved. If the federal grant is not approved, the order will not be placed.

The administration's recommended funding source for this purchase is through the funds currently on hand for capital purchases through the cell tower revenue received from fiscal year 2011. Presently there is \$95,200 available.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve \$9,000 towards the purchase of the high frequency radios to be funded with the cell tower money of \$95,200 based upon the recommendations of Colonel Branconnier, the Town Administrator and the Finance Director.

FUNDING SOURCES FOR APPROVED CAPITAL PURCHASES FOR FY 2012

The adopted fiscal year 2012 capital budget was \$250,240. This includes \$50,000 for (1) pick-up truck with plow and sander, \$60,000 for (1) one-ton dump truck with plow and sander, \$68,000 for (1) Toro ground master 4000 tractor and \$72,240 for (3) new police fleet vehicles.

Mr. Silvia stated the actual total purchase price for the three police vehicles is \$90,254, an increase of \$18,014. This would alter the total capital budget amount for fiscal year 2012 to \$268,254.

MOTION by Mr. Yazbak to revise the capital budget to \$270,000 to cover the pick-up truck with plow and sander, the one-ton dump truck with plow and sander, the ground master tractor and the police vehicles based upon the recommendation of the Finance Director with the funding source to be lease purchase and a repayment of \$60,224.

Upon advice from Mr. Nadeau, Mr. Yazbak withdrew his motion.

MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on a roll call vote to fund the capital budget with borrowing not to exceed \$270,000, with an interest rate not to exceed 3.75 percent and a term not to exceed five years.

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PAYROLL CONSOLIDATION

Mrs. Charest commented that earlier in the year there had been discussion about upgrading town computers with assistance from the school department and she wondered where that stood.

Mr. Silvia related that several meetings have been held between town and school personnel. An individual who did the payroll for the school department has left their employ but everyone is still continuing to look at options to see if it will be viable.

Mr. Lindberg's approach is that it is going to happen and they will look at what challenges need to be resolved to make it happen.

IT PROCESS FOR TOWN COMPUTERS

Again Mrs. Charest noted there had been discussion about

computers and bringing all town departments together. She was aware that the school Technology Director Eric Butash had sent out a questionnaire about computer needs and she wondered where this matter stood.

Town Planner Robert Ericson has been gathering information on individual work stations and he has four left to do.

VELOCITY SOLUTIONS LLC INVOICE

MOTION by Mr. Yazbak and seconded by Mrs. Charest to approve \$8,160 to Velocity Solutions LLC for the purchase of two Dell Laptop Computers, one Firewall, one service agreement and Antispam Services.

Mrs. Charest asked if Mr. Butash had reviewed this or is the town buying just for the sake of buying.

Mr. Yazbak stated the Council had asked that the computers become a priority and to form a plan. A plan is being worked on but is not done yet. He thinks \$1,925 for a laptop is expensive. He's afraid that we will be buying things today that, once the computer study is done, will be unnecessary or incorrect.

Ms. Hamilton noted that Jim Lass from Velocity Solutions was recommended by the school department and has been in contact with Mr. Butash on a regular basis. Computers have been invaded by

viruses in the last six months to the point where data is at risk. To Mr. Lass this looks like the minimal amount of service needed to protect the data.

The motion and second were withdrawn.

MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote to approve the Postini EMAIL, the Cisco Security Appliance Firewall and the extended service agreement in the amount of \$4,310 after Mr. Butash renders an opinion to the administration that those things would be needed no matter how the town goes forward with computers.

DOWLING VILLAGE CONSTRUCTION SERVICES CONTRACT AMENDMENT #4

Mr. Ericson explained that a developer pays a sum into escrow then the town names a review company, an engineering firm, to catch errors. Pare Corporation has submitted this contract amendment #4 for the construction observation services for Phase II at Dowling Village.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on a roll call vote to approve Contract Amendment #4 for Pare Corporation based upon the recommendation of the Town Planner and the Administration.

**DOWLING VILLAGE CONSTRUCTION SERVICES CONTRACT
AMENDMENT #5**

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on a roll call vote to approve Contract Amendment #5 for Pare Corporation.

**1ST READING ORDINANCE AMENDMENT RE: USE OF
RECREATIONAL VEHICLES**

Suggested amendments to the ordinance:

**“1.) Restrictions: a. The use of said vehicles shall be prohibited between the hours of 8:00 p.m. to 10 a.m. b. The use of said vehicles
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shall be prohibited within 400 feet of any abutting residential dwelling. 2.) Exceptions: The prohibitions defined above shall not be construed or enforced so as to prohibit the use of said vehicles for the following purposes: a. For use on property of a commercial farming and/or agricultural operation. b. The operation of said vehicles for the purpose of loading and offloading the same from the location where it is regularly stored onto a trailer, vehicle or other legal means of transport to and from said location. c. The operation of said vehicles by law enforcement and medical emergency personnel. d. The operation of said vehicles for utilitarian purposes, e.g., snow plowing, yard clean-up, wood hauling.”

Mr. Zwolenski explained that the prior Council had concerns from constituents about rogue individuals tearing across private property.

Mr. Nadeau noted that some of the language conflicted with state law and wouldn't recommend adopting it in the present form.

Mr. Zwolenski, Mr. Yazbak and Mr. McGee claimed they were not in favor of moving forward with the amendments.

This was considered the first reading and the second reading was scheduled for August 1st.

1ST READING ORDINANCE AMENDMENT RE: SALARIES AND WAGES

Mr. Silvia presented an updated version of the wage ordinance based upon the adopted budget. It was being proposed by Town Administrator Hamilton.

This was considered the first reading and the second reading was scheduled for August 1st.

APPOINTMENT TO REDEVELOPMENT AGENCY

Mr. Yazbak has someone who may be interested and he passed that person's resume to John Flaherty, Chairman of the Redevelopment Agency. The prospective appointee wanted to learn more about the

responsibilities and duties.

APPOINTMENT TO JUVENILE HEARING BOARD

MOTION by Mr. Yazbak, seconded by Mrs. Charest and Mr. Zwolenski, and voted unanimously on an aye vote to appoint Steven P. D'Agostino of 1 Taber Hill Road. Mr. D'Agostino will be completing a three-year term that expires December 1, 2012.

BILL OF SALE BETWEEN MARS ENTERPRISES, LLC AND TOWN OF NORTH SMITHFIELD

Mr. Nadeau explained this relates to sewer improvements for property located at 35 Eddie Dowling Highway, otherwise noted as Assessor's Plat 21A, Lot 67. The Sewer Commission, Planning Board and Zoning Board have all reviewed the plan. Wastewater Superintendent Russell Carpenter and Water and Sewer Co-ordinator Jim Wilcox have confirmed that all improvements have been inspected and all is in order for the town to accept this into the town's system. Mr. Nadeau added that the town is not paying anything for this. The town gets the ability to go on the property and do maintenance.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve this bill of sale based upon the recommendations of the administration and comments made by Mr. Nadeau.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted

unanimously on an aye vote to authorize the Town Administrator to sign the document.

MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to adjourn at 9:33 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk